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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,779	06/15/2001	Christophe Vincent	SCHN : 002	7857

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EXAMINER	
SHIMIZU, MATSUICHIRO	
ART UNIT	**PAPER NUMBER**
2635	4

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/880,779	VINCENT ET AL.	
	Examiner	Art Unit	
	Matsuichiro Shimizu	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 June 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5 and 8-11* is/are rejected.

7)☒ Claim(s) *6 and 7* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 June 2001* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract should avoid using the phrase "The invention relates to -- " (line 1) which can be implied.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences

between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-2, 4-5 and 8-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gastouniotis et al. (5,438,329) in view of Tang et al. (6,347,095).

Regarding claim 1, Gastouniotis teaches access system (col. 1, lines 6-61, RF signals 10a-b) between an item of server automatic control equipment (20) (col. 1, lines 6-61, data gathering unit 4), which integrates transmission/reception means (25) to transmit and receive messages (11, 12, 13, 21, 22, 23) on a wireless network (30) using a radio wave technology, and at least one mobile device (10) (col. 1, lines 6-61, a remote station 6), characterized in that the server automatic control equipment

(20) comprises server communication means (27) (col. 1, lines 6-61, instrument link 2) capable of implementing a link mechanism in compliance with the network protocol with communication means (16) of a mobile device (10) (col. 1, lines 6-61, mobile remote stations 8 d-c), in order to supply control, display and monitoring functions from the server automatic control equipment (20), the link mechanism comprising a detection phase, a description phase and a service phase (col. 5, lines 42-55, monitoring battery status of instrument link 2). But Gastouniotis does not teach a wireless proximity network and Bluetooth protocol with communication means.

However, Tang teaches, in the art of wireless network, a wireless proximity network and Bluetooth protocol with communication means (col. 7, lines 24-55, proximity and Bluetoothe) for the purpose of providing nearby communication system.

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include a wireless proximity network and Bluetooth protocol with communication means. in the device of Gastouniotis because Gastouniotis suggest wireless network and Tang teaches a wireless proximity network and Bluetooth protocol with communication means for the purpose of providing closeby or nearby communication system.

Regarding claim 2, Gastouniotis teaches access system according to claim 1, characterized in that the server communication means (27, 27') of an item of automatic control equipment (20) have access to an internal memory (28) containing information relating to the automatic control equipment (20) (col. 9, lines 44-58, water meter reading data from data registers or memory; col. 11, lines 20-37, data gathering device 6-61, instrument link 2).

Regarding claim 4, Gastouniotis teaches access system according to claim 2, characterized in that the server communication means (27) of an item of server automatic control equipment (20) are waiting (col. 4, lines 47-61, wake-up the server upon receiving interrogation signal from mobile device 6) for a detection query (11) sent by at least one mobile device (10) on the proximity network (30).

Regarding claim 5, Gastouniotis teaches access system according to claim 4, characterized in that, following the reception of a detection query (11) from a mobile device (10), the server communication means (27) generate a detection response (21) used to signal their presence to the mobile device (10) (col. 4, lines 47-61, RF signal backed to the mobile device 6).

Regarding claim 8, Gastouniotis teaches access system according to claim 5, characterized in that the server communication means (27) respond to a description

query (12) transmitted by a mobile device (10) which can include an identification and authentication of the automatic control equipment (20) and a list of the services offered by the automatic control equipment (20) (col. 11, lines 20-53, instrument ID, status of conditions of instrument; col. 5, lines 42-55, monitoring battery status of instrument link 2).

Regarding claim 9, Gastouniotis teaches access system according to claim 8, characterized in that, when the link mechanism is set up, the server automatic control equipment (20) can exchange messages (13, 23) with a mobile device (10) via the proximity network (30), such that a user of the mobile device (10) can perform control, display and monitoring functions of the server automatic control equipment (20) (col. 13, lines 52-63, instruct the instrument link to go back to sleep via ACK signal frome remote station 6).

Regarding claim 11, Tang teaches automatic control equipment characterised in that it communicates on a proximity network (30) (col. 7, lines 24-55, proximity and Bluetoothe) by means of an access system according to claim 1.

Claim 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gastouniotis in view of Tang et as applied to claim 2 and 8 above, and further in view of de Silva et al. (6,564,320).

Regarding claim 3, Gastouniotis in view of Tang teaches access system according to claim 2, characterized in that the item of automatic control equipment (20') may comprise server communication means (27') to be able to perform a server function (Fig. 6, clmmunication link 110A). But Gastouniotis in view of Tang does not teach the same item of automatic control equipment (20') may comprise server communication means (27') to be able to perform a server function and a client function.

However, de Silva teaches, in the art of wireless network, the same item of automatic control equipment (20') may comprise server communication means (27') to be able to perform a server function and a client function (Fig. 6, local server communicating as 11A link and communicating as client 112 link) for the purpose of providing flexible communication system. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include the same item of automatic control equipment (20') may comprise server communication means (27') to be able to perform a server function and a client function in the device of Gastouniotis in view of Tang because Gastouniotis in view of Tang suggest server communication means (27') to be able to perform a server function and de Silva teaches the same item of automatic control equipment (20') may comprise server

communication means (27') to be able to perform a server function and a client function for the purpose of providing flexible communication system.

Regarding claim 10, Gastouniotis in view of Tang teaches access system according to claim 8, characterised in that, when the link mechanism is set up, the server automatic control equipment (20) provide server communication means (27') to be able to perform a server function But Gastouniotis in view of Tang does not teach access system, characterised in that, when the link mechanism is set up, the server automatic control equipment (20) can exchange messages (13, 23) with an item of client automatic control equipment (20') via the proximity network (30), such that an application program (29') running in the client automatic control equipment (20') can perform control, display and monitoring functions of the server automatic control equipment (20).

However, de Silva teaches, in the art of wireless network, the server automatic control equipment (20) can exchange messages (13, 23) with an item of client automatic control equipment (20') via the proximity network (30), such that an application program (29') running in the client automatic control equipment (20') can perform control, display and monitoring functions of the server automatic control equipment (20) (Fig. 8, col. 12, lines 1-21, local interface generates custom display

818 to be transmitted to client 102) for the purpose of providing flexible communication system. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include the server automatic control equipment (20) can exchange messages (13, 23) with an item of client automatic control equipment (20') via the proximity network (30), such that an application program (29') running in the client automatic control equipment (20') can perform control, display and monitoring functions of the server automatic control equipment (20) in the device of Gastouniotis in view of Tang because Gastouniotis in view of Tang suggest server communication means (27') to be able to perform a server function and de Silva teaches the server automatic control equipment (20) can exchange messages (13, 23) with an item of client automatic control equipment (20') via the proximity network (30), such that an application program (29') running in the client automatic control equipment (20') can perform control, display and monitoring functions of the server automatic control equipment (20) for the purpose of providing flexible communication system.

Allowable Subject Matter

Claims 6-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 6, the prior arts fail to teach or fairly suggest the client communication means of an item of client automatic control equipment transmit detection queries on the proximity network, in order to detect the presence of at least one item of server automatic control equipment in the field of action of the proximity network.

Claims 7 is directly dependent on claim 6, therefore, the prior arts fail to teach or fairly suggest claim 7 for same reason that the prior arts fail to teach or fairly suggest claim 6.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matsuichiro Shimizu whose telephone number is (703) 306-5841. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703-305-4704). The fax phone number for the organization where this application or proceeding is assigned is (703-305-3988).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matuichiro Shimizu

September 29, 2003

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY